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09/865,904	05/24/2001	Yuri Yapor		5331

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EXAMINER

OSMAN, RAMY M

ART UNIT PAPER NUMBER

2157

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/865,904

**Applicant(s)**

YAPORT ET AL.

**Examiner**

Ramy M Osman

**Art Unit**

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☒ Claim(s) 1,5-7,9-11,23,25 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because figures 1-9 contain text that is unreadable. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 1 objected to because of the following informalities: Remove "and" after "a wide area network" on line 9. Place "and" after "said wide area network" on line 14.

Appropriate correction is required.

3. Claim 5 objected to because of the following informalities: Improper format using with lack of indentation. Where a claim sets forth a plurality of steps, each step of the claim should be separated by a line indentation, 37 CFR 1.75(i).

4. Claims 5,6,9 and 11 are objected to: The phrase “reorganizing said data units” doesn’t specify if these data units are information data units or control data units.

Appropriate correction is required.

5. Claims 5,6,7,9 and 10 are objected to.

A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

6. Claims 23,25 and 27 are objected to: “at least data storage” is grammatically incorrect and makes the sentence incomplete.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

7. Claims 1,2,4,5,6,9,11,13,17,19,21,22,24 and 26 are rejected.

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8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

10. Claims 1 and 19 recites data transmission "to an unlimited number of clients". The specification discloses transmission to an almost unlimited number of clients (see page 1), but does not enable a claim for transmission to unlimited clients.

11. Claims 5,6,9 and 11 recites checking information by "manipulating data" in lines and columns. But the specification fails to describe the workings of the phrase "manipulating data". (see pages 14 and 15)

12. Claims 13,17 and 21 recite interrupting transmission if a portion of file is received. But the specifications teaches contrary to this. On page 20 of the specification, it states that interrupting occurs when entire file is received.

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. Claims 1,19,22,24 and 26 recite the limitation "the entire information" in line 5. There is insufficient antecedent basis for this limitation in the claim.

15. Claims 5,6,9 and 11 recite the limitation "control data unit" in line 11. There is insufficient antecedent basis for this limitation in the claim.

16. Claims 2 and 4 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 states "wherein said step of constantly transmitting said entire information to said at least one router on the side of said server system is carried out simultaneously via parallel channels". The word 'simultaneously' implies multiple transmissions at the same time. But the claim language of 'transmitting entire information' has a meaning of a single transmission taking place and sending a single 'entire information'.

***Claim Rejections - 35 USC § 102***

17. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

18. Claims 1 and 22-27 rejected under 35 U.S.C. 102(e) as being anticipated by Birk et al (US Patent No 6,502,139).

19. in reference to claim 1,22,24 and 26, Birk teaches a method of data transmission on demand to an unlimited number of clients without acknowledgment on the basis of constant data availability, comprising the steps of:

providing a data transmission system comprising at least a server system that contains the entire information available for the clients; (column 1 lines 35-67 and Summary)

at least one router on the side of said server capable of receiving data from said server system; at least one router on the side of said clients; and a wide area network; are all inherent in a communications network. (column 1 lines 25-65, column 6 lines 1-30 and column 8 line 45-column 9 line 40)

a group of clients subscribed to said data transmission system and capable of receiving at least a portion of said entire information selected by said client from said server system via said one router on the side of said server, one router on the side of said clients, and said wide area network (Summary, column 8 lines 8-45, column 9 lines 20-40 and column 53 lines 1-50); and

constantly transmitting said entire information to said at least one router on the side of said server system and further to said wide area network for constant availability of said entire information to any number of said clients. (Summary, column 8 lines 8-45, column 9 lines 20-40 and column 53 lines 1-50)

20. In reference to claims 23,25 and 27, it is inherent in the teachings of Birk that transmitting unit contains a data transmission box. (Summary)

### ***Claim Rejections - 35 USC § 103***

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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22. Claims 2-4 rejected under 35 U.S.C. 103(a) as being unpatentable over Birk et al (US Patent No 6,502,139) in view of Arsenault et al (US Patent No 6,701,528).

23. In reference to claims 2 and 4, Birk teaches the method of claim 1 above. Birk fails to teach , wherein said step of constantly transmitting said entire information to said at least one router on the side of said server system is carried out simultaneously via parallel channels. However, Arsenault teaches broadcasting information simultaneously over parallel channels. (Abstract, column 2 lines 5-55, column 11 lines 5-56 and column 18 lines 5-30)

It would have been obvious for one of ordinary skill in the art to modify Birk by broadcasting information simultaneously over parallel channels as per the teachings of Arsenault to facilitate video transmission.

24. In reference to claim 3, Birk teaches the method of claim 2. Arsenault teaches wherein said parallel channels are combined into groups of channels having the same data transmission speed in each group. (column 4 line 56 – column 5 line 30, column 7 lines 10-40 and column 8 lines 10-50)

25. Claims 5-12,15,16 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Birk et al (US Patent No 6,502,139) in view of Arsenault et al (US Patent No 6,701,528) in further view of Abe et al (US Patent No 5,974,458).

26. Birk teaches the method of claim 1 above, including: dividing said entire information into data segments (Abstract and Summary); and dividing each one of said data segments into information data units (Summary and column 9 lines 5-65).



Birk fails to explicitly teach wherein each of said information data units comprising a rectangular matrix of lines and columns; assigning numbers to said lines and columns; and reorganizing said data units by collecting lines to which the same numbers are assigned to said reorganized data units. However, Abe teaches data units comprising a rectangular matrix of lines and columns; assigning numbers to said lines and columns; and reorganizing said data units by collecting lines to which the same numbers are assigned to said reorganized data units; assigning identification information to each of said reorganized data units and said control data units; and forming information protocol data units and control protocol data units by combining said identification information with respective reorganized data units and said control data units.. (Abstract, column 1 lines 25-55, column 6 lines 1-35 and column 11).

It would have been obvious for one of ordinary skill in the art to modify Birk by making data units comprising a rectangular matrix of lines and columns; assigning numbers to said lines and columns; and reorganizing said data units by collecting lines to which the same numbers are assigned to said reorganized data units as per the teachings of Abe for facilitating data transfer.

Birk teaches determining a check information for each one of said information data units by manipulating data in said lines and columns; and collecting said check information from all said information data units to form control data unit. (column 11 lines 35-67 and column 14 lines 30-67).

27. In reference to claims 7 and 8 and 18, Birk teaches obtaining a request from at least one of said clients for receiving a selected information from said entire information via said at least one router; receiving said selected information from said at least one router by said at least one of said clients; checking the completeness of said selected information received by said at least

one client; and discontinuing said step of receiving if said selected information has been received completely. (Summary, columns 8,12 and 14)

28. In reference to claim 10, Birk teaches receiving at least one request from at least one of said clients by said at least one router for obtaining a portion of said entire information selected by said at least one client via said at least one router where said entire information is always available due to said step of constantly transmitting; and starting transmitting said entire information via said at least one router to all said groups of channels and then to said at least one client at least via one channel of said group having the speed of transmission corresponding to that on the client's side. (Summary and columns 8 and 9)

29. In reference to claims 12 and 16, Birk teaches assembling each of said data segments contained in said portion of said entire information selected by said at least one client from said information data units related to said data segments, if said information data units are present; and assembling each of said data segments contained in said portion of said entire information selected by said at least one client from said information data units related to said data segments. (Summary, columns 8,12 and 14)

30. In reference to claim 15, Birk teaches restoring said data lost during said step of receiving by means of said control data unit and those of said information data units which have been received by said at least one client and relates to the same data segment. (Summary)


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (703) 305-8050. The examiner can normally be reached on M-F 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO  
September 17, 2004

  
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